We appreciate the opportunity to submit our views on this Bill. However, we challenge the use of the term ‘offender’ in the title of the Bill and throughout the document. The Community Justice (Scotland) Act 2016 does not use the term ‘offender’ and we would welcome the use of a term beginning with ‘people’, ‘persons’ or ‘individuals’ throughout this bill.

We support the general direction of travel of the Bill.

Electronic monitoring

1.01 In general terms we support Part 1 of the Bill concerning the electronic monitoring (EM) of people with convictions.

1.02 In principle we support the use of EM particularly when used as an alternative to short term prison sentences but there is no recognition of the value of tailored support services linked with the use of EM.

1.03 The reforms in Part 1 of the Bill should enable wider use EM but much needs to be done for it to be seen and utilised by the judiciary as a just and appropriate disposal.

1.04 We support the potential use of EM to enable temporary release from prison where this might not otherwise be possible.

1.05 We would support the use of EM as an alternative to people being remanded in custody pending trial.

1.06 The possible introduction of drug and alcohol monitoring requires more information on the technology and the circumstances under which it might be imposed before we could make an informed decision on whether or not to support it. There may be a human rights issue involved as well.

Disclosure of convictions

2.01 In general terms we support Part 2 of the Bill and we appreciate the alignment of disclosure periods with those currently in place in England & Wales.

2.02 We support the change of terminology from ‘rehabilitation’ to ‘disclosure’ period.

2.03 We welcome the reductions to the periods before a conviction is deemed to be spent.
2.04 We also welcome the introduction of a disclosure period for sentences between 30 and 48 months.

2.05 We agree that the proposed law on disclosure of convictions is more intelligible and clearer.

2.06 If the proposed changes are to be of benefit to people with convictions, their families and their communities a public and comprehensive campaign to inform employers about the new disclosure arrangements would be essential. This should include clarification that a conviction, spent or unspent, is not necessarily in itself a barrier to employment.

2.07 We would support the introduction of a rule to prohibit employers from asking at an early stage in the recruitment process whether or not an applicant has a criminal conviction.

**Parole Board for Scotland**

3.01 We support Part 3 of the Bill.

3.02 We believe that there is a lack of understanding amongst the prison population and the wider public of the detailed workings and procedures of the Parole Board. We would support a campaign that would provide clear information and guidance on the subject of parole.

Pete White  
Chief Executive  
Positive Prison? Positive Futures  
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